

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Oklahoma

United States of America

v.

KAI LAMAR WALELA

Defendant(s)

Case No.

19-MJ-25-FHM

SEALED

19-MJ-4417

FILED
FEB 07 2019
Mark C. McCarthy, Clerk
U.S. DISTRICT COURT

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 20, 2018 (Count One) and July 28, 2018 (Count Two) in the county of Tulsa in the
Northern District of Oklahoma, the defendant(s) violated:*Code Section*18 U.S.C. §§ 922(g)(9) and
924(a)(2)*Offense Description*COUNT ONE: Possession of a Firearm After Conviction for a Misdemeanor
Crime of Domestic Violence18 U.S.C. §§ 922(a)(6) and
924(a)(2)COUNT TWO: Making a False Statement in Connection With a Firearms
Acquisition

This criminal complaint is based on these facts:

See Attached Affidavit by Special ATF Agent Darrell G. Withern.

☒ Continued on the attached sheet.
*Complainant's signature*ATF Special Agent Darrell G. Withern
Printed name and title

Sworn to before me and signed in my presence.

Date: 02/07/2019
*Judge's signature*City and state: Tulsa, OKU.S. Magistrate Judge Frank H. McCarthy
Printed name and title

AFFIDAVIT

I, Darrell G. Withem, being duly sworn, state the following:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since July 2004. For approximately 5 ½ years prior to becoming an ATF Special Agent, I was a police officer with the Tulsa, Oklahoma, Police Department. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy, both located in Glynco, Georgia. In addition to this formal training, I have also received extensive informal training related to the investigation of firearms violations through my involvement in numerous investigations. These investigations include the execution of search warrants for firearms and arrest warrants for firearms violations. I have also worked alongside other experienced investigators and Federal Firearms Licensees (FFL) in relation to firearm investigations.
2. As a result of my training and experience as a police officer and an ATF Special Agent, I am familiar with Federal criminal laws and know that, pursuant to **Title 18 U.S.C. 922(g)(9)**, it is unlawful for any person who has been convicted in any court of a misdemeanor crime of domestic violence to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
3. Further, I know that, pursuant to **Title 18 U.S.C. Section 922(a)(6)**, it is unlawful for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition.
4. Based upon my investigation, along with information provided to me by the FFL, the FFL's ATF Form 4473 (Firearm Transaction Record), and Officers with the Tulsa, Oklahoma Police Department, I believe the following to be true and correct.
5. On June 25, 2018, Kai Lamar Walela pleaded guilty to misdemeanor domestic assault against his girlfriend, Alanna Bronaugh, in Tulsa County Case CF-2017-5931. On July 20, 2018, officers with the Tulsa, Oklahoma, Police Department were dispatched to 2136 S. 99th E. Ave., Apt. 42-J, Tulsa, Oklahoma (Lakeside Apartments) for a domestic violence in progress. Upon arrival, officers made contact with the victim, Alanna Bronaugh. Officers also attempted to make contact with the suspect, Walela; however, Walela refused to come out of the apartment, and he hid in the closet advising officers that they would have to come get him. After several minutes of negotiations, officers were finally able to get Walela to come out of the apartment.
6. Ms. Bronaugh advised that Walela, her boyfriend, had been drinking beer and was very intoxicated. Ms. Bronaugh stated that when she arrived home from work, she took a nap, and following her nap, she was brushing her teeth when Walela came into the bathroom. Ms. Bronaugh stated that Walela began to question her as to where she was going. Ms. Bronaugh

stated that Walela knocked off the towel that was on her head and began pushing her around. Ms. Bronaugh then stated that Walela told her to get her things and get out of the apartment. Ms. Bronaugh stated that she told Walela that she would get her things and leave if he would leave her alone.

7. Ms. Bronaugh stated that Walela agreed to this and left, only to return a few minutes later. Ms. Bronaugh stated at this time, Walela kicked her dog with the steel-toed boots he was wearing and yelled, "Both of you get the fuck out of here!" Ms. Bronaugh then stated that Walela began to hit her with his fists and that she was able to block some of the punches with her arms. Officers noted that they observed a red swollen mark on Ms. Bronaugh's left cheek when they arrived at the apartment.

8. Ms. Bronaugh stated that she took a rifle magazine for Walela's AR-15 style rifle and locked it inside her vehicle. Mr. Bronaugh stated that prior to the police showing up, Walela was arguing and wanted to get the ammunition for his rifle. Ms. Bronaugh stated that when the officers knocked on the apartment door, Walela took his rifle and hid in the apartment prior to finally coming out due to the officers' commands. When Walela was finally taken into custody, an officer noted that Walela was intoxicated and would not answer any questions. The officers arrested Mr. Walela for Assault & Battery – Domestic Violence 2nd Offense – Felony, and recovered a Rock River Arms, Model LAR-15 X1, 5.56mm caliber rifle, serial number KT3303854, from the closet in which Walela had been hiding, fifteen (15) rounds of Remington Peters brand .223 REM caliber ammunition, and fifty-seven (57) rounds of Lake City brand 5.56 mm caliber ammunition from Mr. Walela.

9. On July 28, 2018, Walela attempted to purchase a SOTA, Model PA15, Multi-caliber Lower Receiver, serial number 4589 from Advanced Combat (FFL), Advanced Combat, during the Tulsa Gun Show that was located at the Expo Square Event Center in Tulsa, Oklahoma. Before the attempted firearm purchase, Kyle Hansen, an employee of the FFL, obtained an Oklahoma driver's license from Walela. Mr. Hansen stated that, upon obtaining Walela's driver's license, he verified that the photo on the driver's license was that of Walela. During the attempted purchase, Walela completed an ATF Form 4473 and answered "No" to question 11(i) – "Have you ever been convicted in any court of a misdemeanor crime of domestic violence?" When an employee with Advanced Combat conducted the mandatory background check that is required when purchasing firearms from a FFL, the Federal Bureau of Investigations NICS (National Instant Criminal Background Check System) Brady Branch delayed the transaction due to a question in Mr. Walela's background check, thus resulting in Walela not obtaining the above-mentioned firearm at this time.

10. On July 31, 2018, the NICS Brady Branch denied Walela's transaction due to the Assault & Battery – Domestic Violence conviction from June 25, 2018. I learned that Walela attempted to purchase the above-mentioned firearm on a day or two after getting out of jail on the July 20, 2018, above-mentioned arrest.

11. On August 17, 2018, I spoke with Walela via telephone utilizing telephone number 918-850-5128 that I obtained from the FFL, who had obtained Walela's phone number and used it to contact Walela when the firearm transaction was originally delayed. Walela identified himself to


me during the conversation. During the conversation, Walela confirmed that he did in fact have a conviction for misdemeanor Assault & Battery – Domestic from June 25, 2018. When asked why he answered “No” to question 11(i) on the ATF Form 4473, signed for Advanced Combat on July 28, 2018, Walela could not give me an explanation. I advised Walela that due to his conviction, he was in violation of federal law for possessing a firearm and that also providing a false statement on the ATF Form 4473 was also a violation of federal law. Walela did state that he did not know that just buying a lower receiver was considered the same as purchasing a firearm. Walela stated that he thought purchasing a lower receiver was the same as purchasing firearm parts, such as a barrel.

12. On August 17, 2018, I obtained and reviewed the following conviction regarding Walela:

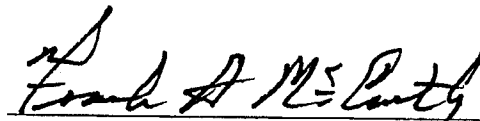
- District Court of Tulsa County, Oklahoma – case number CF-2017-593.
Walela pled guilty to Count 1 – Reckless Handling of a Firearm & Count 3 – Domestic Assault & Battery – on June 25, 2018.

13. On August 20, 2018, I conducted an Interstate NEXUS Examination on the above-mentioned firearm and ammunition. Through my examination, I found that the Rock River Arms, Model LAR-15 X1, 5.56 mm caliber rifle, serial number KT3303854; fifteen (15) rounds of Remington Peters brand .223 REM caliber ammunition and the fifty-seven (57) rounds of Lake City brand 5.56 mm caliber ammunition were not manufactured in the State of Oklahoma and, therefore, must have traveled in interstate and/or foreign commerce prior to July 20, 2018.

14. Based on the foregoing, I believe there is probable cause that Kai Lamar Walela violated 18 U.S.C. § 922(g)(9), Possession of a Firearm After a Misdemeanor Conviction for Domestic Violence, and 18 U.S.C. § 922(a)(6), Making a False Statement in Connection With a Firearms Acquisition, and request that an arrest warrant be issued for Walela’s arrest.


ATF Special Agent Darrell G. Withem

Sworn and subscribed to before me this 7th day of February, 2019.


Frank H. McCarthy
United States Magistrate Judge